

# HOUSE BILL No. 1842

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-24; IC 35-41-1-26.3; IC 35-43-5-3.7.

**Synopsis:** Driver's licenses and documentation. Requires the bureau of motor vehicles (bureau) to require an applicant for a driver's license, a permit, or an identification card to present documentary evidence of citizenship or alien status and to submit a statement to the bureau if federal law prohibits the issuance of a Social Security number to the applicant. Requires the bureau to adopt rules concerning applications for driver's licenses and permits. Provides that if a noncitizen is issued a driver's license, a permit, or an identification card, the document expires on the date the holder's authorization to remain in the United States expires. Makes it a Class D felony to commit fraud against the bureau, a Class D felony to possess a false document issued by the bureau, and a Class C felony to assist in a fraud against the bureau.

**Effective:** Upon passage; July 1, 2005.

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**Noe, Ruppel, Duncan, Walorski**

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January 25, 2005, read first time and referred to Committee on Public Safety and Homeland Security.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1842

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-24-9-2 IS AMENDED TO READ AS FOLLOWS  
2       [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a)** Each application for a license  
3       or permit under this chapter must require the following information:

4               (1) The name, date of birth, sex, Social Security number, and  
5               mailing address and, if different from the mailing address, the  
6               residence address of the applicant. The applicant shall indicate to  
7               the bureau which address the license or permit shall contain. **If**  
8               **federal law prohibits the issuance of a Social Security number**  
9               **to the applicant, the applicant must provide a statement to**  
10              **that effect to the bureau.**

11              (2) Whether the applicant has been licensed as an operator, a  
12              chauffeur, or a public passenger chauffeur or has been the holder  
13              of a learner's permit, and if so, when and by what state.

14              (3) Whether the applicant's license or permit has ever been  
15              suspended or revoked, and if so, the date of and the reason for the  
16              suspension or revocation.

17              (4) Whether the applicant has been convicted of a crime



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1 punishable as a felony under Indiana motor vehicle law or any  
 2 other felony in the commission of which a motor vehicle was  
 3 used.

4 (5) Whether the applicant has a physical or mental disability, and  
 5 if so, the nature of the disability and other information the bureau  
 6 directs.

7 The bureau shall maintain records of the information provided under  
 8 subdivisions (1) through (5).

9 **(b) Notwithstanding IC 9-24-11-2, an applicant for a license or**  
 10 **permit under this chapter must provide valid documentary**  
 11 **evidence to the bureau of the applicant's age, identity, and legal**  
 12 **residence.**

13 SECTION 2. IC 9-24-9-2.5 IS ADDED TO THE INDIANA CODE  
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 15 1, 2005]: **Sec. 2.5. In addition to the information required from the**  
 16 **applicant for a license or permit under sections 1 and 2 of this**  
 17 **chapter, the bureau shall require an applicant to present to the**  
 18 **bureau valid documentary evidence that the applicant is a:**

- 19 (1) citizen;  
 20 (2) legal permanent resident; or  
 21 (3) conditional resident alien;

22 **of the United States.**

23 SECTION 3. IC 9-24-9-7 IS ADDED TO THE INDIANA CODE  
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 25 1, 2005]: **Sec. 7. The bureau shall adopt rules under IC 4-22-2 to**  
 26 **implement this chapter.**

27 SECTION 4. IC 9-24-11-3 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3. (a) A license issued**  
 29 **to an individual less than eighteen (18) years of age is a probationary**  
 30 **license.**

31 (b) An individual holds a probationary license subject to the  
 32 following conditions:

33 (1) Except as provided in IC 31-37-3, the individual may not  
 34 operate a motor vehicle during the curfew hours specified in  
 35 IC 31-37-3-2.

36 (2) During the ninety (90) days following the issuance of the  
 37 probationary license, the individual may not operate a motor  
 38 vehicle in which there are passengers unless another individual  
 39 who:

40 (A) is at least twenty-one (21) years of age; and

41 (B) holds a valid operator's license issued under this article;  
 42 is present in the front seat of the motor vehicle.

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(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) **Except as provided in subsection (e)**, a probationary license issued under this section:

(1) is valid for not more than four (4) years from the date the license is issued; and

(2) may not be renewed.

**(e) A probationary license issued under this section to an individual who complies with IC 9-24-9-2.5(2) or IC 9-24-9-2.5(3) expires at midnight of the date that the holder's authorization to be a:**

**(1) legal permanent resident; or**

**(2) conditional resident alien;**

**of the United States expires.**

SECTION 5. IC 9-24-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, an operator's license issued under this article ~~after December 31, 1996~~, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) **Except as provided in subsection (c)**, an operator's license issued ~~after December 31, 1996~~, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

**(c) An operator's license issued under this article to an applicant who complies with IC 9-24-9-2.5(2) or IC 9-24-9-2.5(3) expires at midnight of the date that the holder's authorization to be a:**

**(1) legal permanent resident; or**

**(2) conditional resident alien;**

**of the United States expires.**

SECTION 6. IC 9-24-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. **(a) Except as provided in subsection (b)**, a chauffeur's license issued under this article ~~after December 31, 1996~~, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

**(b) A chauffeur's license issued under this article to an applicant**

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who complies with IC 9-24-9-2.5(2) or IC 9-24-9-2.5(3) expires at midnight of the date that the holder's authorization to be a:

(1) legal permanent resident; or

(2) conditional resident alien;

of the United States expires.

SECTION 7. IC 9-24-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Except as provided in subsection (b), a public passenger chauffeur's license issued under this article after December 31, 1996, expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

(b) A public passenger chauffeur's license issued under this article to an applicant who complies with IC 9-24-9-2.5(2) or IC 9-24-9-2.5(3) expires at midnight of the date that the holder's authorization to be a:

(1) legal permanent resident; or

(2) conditional resident alien;

of the United States expires.

SECTION 8. IC 9-24-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) Except as provided in subsections (b) and (c), a motorcycle operator's license issued after December 31, 1996, under this article expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in subsection (c), a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) A motorcycle operator's license issued under this article to an applicant who complies with IC 9-24-9-2.5(2) or IC 9-24-9-2.5(3) expires at midnight of the date that the holder's authorization to be a:

(1) legal permanent resident; or

(2) conditional resident alien;

of the United States expires.

(d) A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

(e) A temporary motorcycle learner's permit is valid for twelve (12) months from date of issuance.

SECTION 9. IC 9-24-12-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2005]: **Sec. 10. The bureau may require an applicant for a renewal driver's license under this chapter to provide documentary evidence of the applicant's right to reside in the United States.**

SECTION 10. IC 9-24-16-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. In addition to the information required from the applicant for an identification card under section 3 of this chapter, the bureau shall require an applicant to present to the bureau:**

(1) valid documentary evidence that the applicant is a:

(A) citizen;

(B) legal permanent resident; or

(C) conditional resident alien;

of the United States; and

(2) evidence of the Social Security number of the applicant. If federal law prohibits the issuance of a Social Security number to the applicant, the applicant must provide a statement to that effect to the bureau.

SECTION 11. IC 9-24-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4. (a) Except as provided in subsection (b), an identification card expires on the fourth birthday of the applicant following the date of issue.**

**(b) An identification card issued to an applicant who complies with 3.5(1)(B) or 3.5(1)(C) of this chapter expires at midnight of the date that the applicant's authorization to be a:**

(1) legal permanent resident; or

(2) conditional resident alien;

of the United States expires.

SECTION 12. IC 9-24-16-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5. (a) An application for renewal of an identification card may be made not more than six (6) months before the expiration date of the card. A renewal application received after the date of expiration is considered to be a new application.**

**(b) Except as provided in subsection (f), a renewed identification card becomes valid on the birth date of the holder and remains valid for four (4) years.**

(c) If renewal has not been made within six (6) months after expiration, the bureau shall destroy all records pertaining to the former cardholder.

(d) Renewal may not be granted if the cardholder was issued a driver's license subsequent to the last issuance of an identification card.

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(e) An individual may apply for renewal of an identification card by mail or by electronic service if the following conditions are met:

(1) A valid computerized image of the individual exists within the records of the bureau.

(2) The previous renewal of the identification card was not made by mail or by electronic service.

**(f) A renewed identification card issued to an individual who complies with 3.5(1)(B) or 3.5(1)(C) of this chapter expires at midnight of the date that the applicant's authorization to be a:**

**(1) legal permanent resident; or**

**(2) conditional resident alien;**

**of the United States expires.**

SECTION 13. IC 35-41-1-26.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 26.3. "Supporting document" means a document that is required by the bureau of motor vehicles for identification purposes and used in support of an application for:**

**(1) a driver's license or permit under IC 9-24-9; or**

**(2) an identification card under IC 9-24-16.**

SECTION 14. IC 35-43-5-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.7. (a) A person who, with the intent to obtain:**

**(1) a driver's license or permit by application under IC 9-24-9; or**

**(2) an identification card by application under IC 9-24-16; furnishes to the bureau of motor vehicles a supporting document that the person knows or should know is counterfeit, forged, or altered, commits fraud against the bureau of motor vehicles, a Class D felony.**

**(b) A person who knowingly or intentionally utters a supporting document:**

**(1) that the person knows or should know is counterfeit, forged, or altered; and**

**(2) that is used or that the person intends for use by another person to obtain:**

**(A) a driver's license or permit by application under IC 9-24-9; or**

**(B) an identification card by application under IC 9-24-16; commits assisting in a fraud against the bureau of motor vehicles, a Class C felony.**

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1 (c) A person who knowingly or intentionally possesses:

2 (1) a driver's license or permit issued to the person by  
3 application under IC 9-24-9; or

4 (2) an identification card issued to the person by application  
5 under IC 9-24-16;

6 that the person obtained by the use of a supporting document that  
7 was known by the person to be counterfeit, forged, or altered,  
8 commits possession of a false document issued by the bureau of  
9 motor vehicles, a Class D felony.

10 SECTION 15. [EFFECTIVE JULY 1, 2005] IC 35-43-5-3.7, as  
11 added by this act, applies only to acts committed after June 30,  
12 2005.

13 SECTION 16. [EFFECTIVE UPON PASSAGE] (a)  
14 Notwithstanding IC 9-24-9-7, as added by this act, the bureau of  
15 motor vehicles shall carry out the duties imposed upon it under  
16 IC 9-24-9-7 under interim written guidelines approved by the  
17 commissioner of the bureau of motor vehicles.

18 (b) This SECTION expires on the earlier of the following:

19 (1) The date rules are adopted under IC 9-24-9-7.

20 (2) December 31, 2006.

21 SECTION 17. An emergency is declared for this act.

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